

C.D. Michel, S.B.N. 144258  
ctrutanich@tmlp.com  
 W. Lee Smith, S.B.N. 196115  
lsmith@tmlp.com  
**TRUTANICH • MICHEL, LLP**  
 180 E. Ocean Blvd., Suite 200  
 Long Beach, CA 90802  
 Telephone: (562) 216-4444  
 Facsimile: (562) 216-4445

Attorneys for Defendant  
 Action Metal Recycling, Inc.

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Communities for a Better  
 Environment, a California non-profit  
 corporation,

Plaintiff,

v.

Action Metal Recycling, Inc., a  
 California corporation,

Defendant.

CASE NO: C07-02768 JCS

**APPLICATION FOR ORDER  
 EXCUSING PERSONAL  
 APPEARANCE OF ACTION'S  
 ATTORNEY AND REQUEST TO  
 TELEPHONICALLY APPEAR AT  
 CASE MANAGEMENT  
 CONFERENCE**

*Pursuant to Local Rule 16-10(a).*

Magistrate Judge: Joseph C. Spero

Complaint Filed: June 25, 2007

Trial Date: None

CMC Date: November 30, 2007

Time: 1:30 p.m.

TO THE PARTIES, THEIR ATTORNEYS OF RECORD, AND THE COURT:

Defendant Action Metal Recycling, Inc. ("Action"), by and through its  
 attorney of record, W. Lee Smith of Trutanich • Michel, LLP ("TM"), respectfully  
 submits the following Application for Order Excusing Personal Appearance of  
 Action's Attorney and Request for Telephonic Appearance at Case Management  
 Conference ("CMC") scheduled for November 30, 2007, at 1:30 p.m., before the  
 Honorable Joseph C. Spero.

1. TM is located in Long Beach, California. If W. Lee Smith (the case

1 manager for this matter) travels to and from San Francisco to participate in the  
2 CMC, he will likely spend nearly a whole business day traveling, if not more.

3 2. The cost of Mr. Smith's time spent traveling and the cost of transportation  
4 will be out of proportion to size of the matter and the pecuniary relief sought,  
5 especially in light of the fact that the parties are actively discussing the potential for  
6 a settlement agreement.

7 3. For the reasons set forth above, we request the Court excuse Action's  
8 attorney from personally attending the November 30, 2007, CMC and instead allow  
9 Action's attorney to participate in the CMC by telephone.

10 Based on the foregoing, Action requests this Application for an Order  
11 Excusing Personal Appearance of Action's Attorney and Request for Telephonic  
12 Appearance at the Case Management Conference at the November 30, 2007 CMC  
13 be granted.

14 Respectfully submitted,

15 DATED: November 21, 2007

**TRUTANICH • MICHEL, LLP**

16  
17  
18 /s/

19 W. Lee Smith

20 Counsel for Defendants  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Communities for a Better  
Environment, a California non-profit  
corporation,

Plaintiff,

v.

Action Metal Recycling, Inc., a  
California corporation,

Defendant.

CASE NO: C07-02768 JCS  
CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of:

**APPLICATION FOR ORDER EXCUSING PERSONAL APPEARANCE OF  
ACTION'S ATTORNEY AND REQUEST TO TELEPHONICALLY APPEAR  
AT CASE MANAGEMENT CONFERENCE**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Shana Lazerow  
Counsel for Plaintiff  
E-Mail: slazerow@cbeval.org

1 I declare under penalty of perjury that the foregoing is true and correct.  
2 Executed on November 21, 2007.

3 /s/W. Lee Smith  
4 W. Lee Smith  
5 Counsel for Defendant  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28